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UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

WESTERN DISTRICT OF LOUISIANA

TERRENCE BENOIT  
LA. DOC #489486  
VS.

CIVIL ACTION NO. 6:10-0138

SECTION P

JUDGE DOHERTY

16TH JUDICIAL DISTRICT COURT, ET AL.

MAGISTRATE JUDGE HILL

**JUDGMENT**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

**IT IS ORDERED** that plaintiff's civil rights complaint – insofar as plaintiff seeks monetary damages for an unlawful arrest, prosecution, conviction and imprisonment – is **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

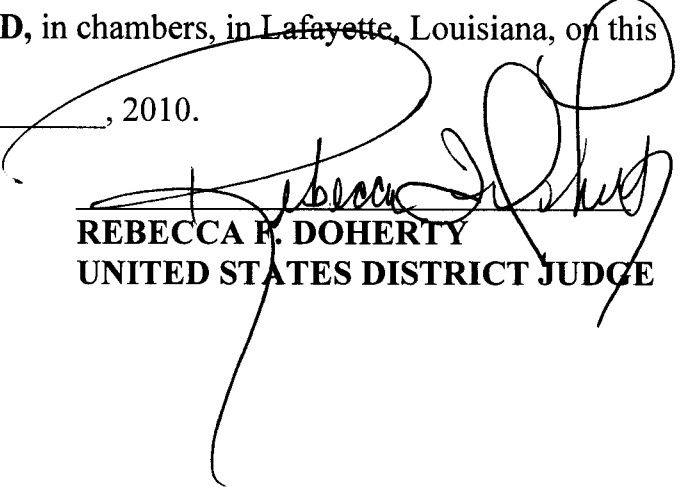
**IT IS FURTHER ORDERED** that this civil rights complaint – insofar as it seeks plaintiff's immediate or speedier release from custody – is **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted.

**IT IS FURTHER ORDERED** that plaintiff's claims against the Sixteenth Judicial District Court is **DISMISSED WITH PREJUDICE** as frivolous and as failing to state a claim for which relief may be granted.

**IT IS FURTHER ORDERED** that the complaint – insofar as it seeks money damages from Clerk of Court Michael Thibodeaux – be **DISMISSED WITH PREJUDICE** for seeking damages from a defendant who is immune from suit.

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this

6 day of April, 2010.

  
**REBECCA R. DOHERTY**  
**UNITED STATES DISTRICT JUDGE**